



## HIRING PEOPLE WITH DISABILITIES

### I. Purpose

This directive sets forth the Federal Emergency Management Agency policy concerning the responsibilities of the Agency Disability Program Manager (Employment), supervisors, and employees to effectuate the FEMA Disability Employment Program. This directive outlines the means by which the Agency can meet its disability recruitment goals and the procedures for requesting reasonable accommodation.

### II. Scope

This Directive applies to all Federal Emergency Management Agency (FEMA) organizations and personnel.

### III. Policy and Procedures

- A. The Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) is committed to serving all individuals equally. This commitment extends to individuals with disabilities. FEMA must provide access to Agency programs and activities equal to the access provided to non-disabled persons.
- B. It is FEMA's policy, in accordance with Sections 501 and 504 of the Rehabilitation Act of 1973, as amended, that no qualified individual with a disability shall be denied participation in, or benefits from, any program conducted by FEMA, including employment.
- C. This Directive supersedes Director's Policy 4-05, Equal Opportunity for Persons with Disabilities, dated November 8, 2005.
- D. It is FEMA's policy, in accordance with Section 508 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. Section 794d](#)), requires FEMA to procure, use, maintain, and develop accessible electronic and information technology, unless doing so imposes an undue burden.
- E. Accommodations for people with disabilities are not mandatory if FEMA demonstrates, through the reasonable accommodation process, that in providing such accommodations an undue financial or administrative burden will be created, or that the accommodation will alter the fundamental nature of the program or activity under review. The Director Office of Equal Rights has been delegated authority to make the final decision in denying such accommodations.

### IV. Responsibilities

- A. Deputy Administrators and Staff Directors shall:

1. Actively support the Agency Disability Employment Program.

B. The Agency Disability Program Manager shall:

1. Promote the recruitment, employment, advancement, and retention of people with disabilities, especially those with targeted disabilities, including disabled veterans (particularly those with a 30 percent or more compensable service-connected disability).
2. Provide technical support and assistance in providing reasonable accommodations for applicants and employees with disabilities.
3. Analyze data to identify whether FEMA is making progress in the hiring of individuals with disabilities.

C. Supervisors shall:

1. Review proposed or vacant positions during initial recruitment, modifying or restructuring them when possible to allow the placement of a person with a disability. The SF-52, Request for Personnel Action, to recruit for positions, shall be annotated to alert the servicing personnel office of the desire to target recruitment of applicants with disabilities.
2. Give full and careful consideration to all applications referred under the Disability Employment Program.
3. Make appropriate accommodations for employees within 15 working days; 10 working days for applicants.
4. Provide for necessary retraining of employees with disabilities.
5. If an employee or supervisor is in a field location and they require assistance in accommodating a person with a disability, they should contact the Agency Disability Program Manager for assistance.

## V. **Definitions**

A. **Disability**, with respect to an individual, means:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
2. A record of such impairment. An example of "a record of such impairment" includes a person who has a history of, or is considered as having, a mental or physical impairment that substantially limits one or more of their major life activities. A "history" of impairment covers persons who have recovered from substantially limiting physical or mental impairments. Examples of persons who would fall under this part of the definition of the term "disability" include individuals who have histories of substantially limiting forms of heart disease or mental or emotional illness.
3. Being regarded as having such impairment. For example, an individual who walks with a slight limp may be regarded as physically unable to walk but actually not be substantially limited in either that major life activity or in the major life activity of

working. An individual may have no impairment at all but would be deemed protected by the Rehabilitation Act if an agency wrongly perceives him/her as having a substantially limiting impairment.

- B. **Essential functions** are the fundamental duties of a job that must be performed with or without an accommodation.
- C. **Major life activities** are functions which include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing, reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running, and working.
- D. **Mental impairment** is any psychological or mental disorder which may include intellectual disability, organic brain syndrome, emotional or mental illness or specific learning disability.
- E. **Physical impairment** is any physiological disorder or condition which may include ailments which affect one or more of the following body systems: neurological, musculoskeletal, sensory organs, respiratory, cardiovascular, reproductive, digestive, genital-urinary, hemic and lymphatic, and skin or endocrine.
- F. **Qualified individual with a disability** is a person with a disability who satisfies the skill, experience, education, and other job-related requirements of the job which the person holds or for which the person applies. In addition, the person can, with or without reasonable accommodation, perform the essential functions of the job.
- G. **Reasonable accommodation** is a change in the work environment or the application process that would enable a qualified individual with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:
  - 1. Changes to a job application process to ensure that applicants with disabilities have an equal opportunity to participate in the application process and to be considered for jobs.
  - 2. Changes which enable a person with a disability to perform the essential functions of the job or to gain access to the workplace; and,
  - 3. Changes which allow persons with disabilities to have equal access to the benefits and privileges of employment.
- H. **Substantially limits** refer to the degree of impairment, distinct from minor impairment that impacts major life activities.
- I. **Undue hardship** involves a specific accommodation which may result in significant difficulty or expense. The determination of what constitutes an undue hardship is made on a case-by-case basis and pertains to the cost of the accommodation, the financial resources of FEMA as a whole.
- J. **Targeted disabilities** are disabilities that the Federal Government, as a matter of policy, has identified for special emphasis in affirmative action programs. They include: deafness; blindness; missing extremities; partial paralysis; complete paralysis;

convulsive disorders; intellectual disability; mental illness, and distortion of limb and/or spine.

- K. **Disabled veterans** are individuals with disabilities who were separated under honorable conditions from active duty in the Armed Forces and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans Administration or a military department.

## VI. Authorities

- A. Section 501 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. Section 791](#)).
1. Prohibits selection criteria and standards that tend to screen out people with disabilities, unless such procedures have been determined through a job analysis to be job-related and consistent with business necessity, and an appropriate individualized assessment indicates the job applicant cannot perform the essential functions of the job, with or without reasonable accommodation.
  2. Requires Federal agencies to develop affirmative action programs for hiring, placement, and advancement of persons with disabilities. Affirmative action must be an integral part of ongoing agency personnel management programs
- B. Section 508 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. Section 794d](#)).
- C. The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended ([38 U.S.C. 4212](#)).
- D. The Veterans Education and Employment Program Amendments of 1991.
- E. [Executive Order 13078](#), *Increasing Employment of Adults with Disabilities*, established the National Task Force on Employment of Adults with Disabilities (now referred to as the Presidential Task Force).
- F. [Executive Order 13145](#), *To Prohibit Discrimination in Federal Employment Based on Genetic Information*.
- G. [Executive Order 13163](#), *Increasing the Opportunity for Individuals with Disabilities to be employed in the Federal Government*.
- H. [Executive Order 13164](#), *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*.
- I. [Executive Order 13217](#), *Community-Based Alternatives for Individuals with Disabilities*.
- J. [Executive Order 13548](#), *Model Strategies for Recruitment and Hiring of People with Disabilities*.
- K. Schedule A, 5 CFR 213.3102(t), *Hiring People with Intellectual Disabilities*.
- L. Schedule A, 5 CFR 213.3102(u), *Hiring People with Severe Physical Disabilities*.
- M. Schedule A, 5 CFR 213.3102(ll), *Hiring Readers Interpreters, and Other Personal Assistants*.
- N. Schedule B, 5 CFR 213.3202(k), *Hiring People Who Have Recovered from Mental Illness*.

## **VII. Responsible Office**

Office of Equal Rights, (OER)

## **VIII. Supersession**

Replacing Director's policy 4-05, Equal Opportunity for Persons with Disabilities, dated November 8, 2005.

## **IX. References**

- A. FEMA 1430.1, *Reasonable Accommodations for the Federal Emergency Management Agency — Change 1*
- B. FEMA 1420.1, *Access to Agency Programs and Activities by Persons with Disabilities*
- C. 5 CFR 213.3102(t), *Hiring People with Intellectual Disabilities*
- D. 5 CFR 213.3102(u), *Hiring People with Severe Physical Disabilities*
- E. 5 CFR 213.3102(ll), *Hiring Readers Interpreters, and Other Personal Assistants*
- F. 5 CFR 213.3202(k), *Hiring People Who Have Recovered from Mental Illness*

## **X. Forms Prescribed**

- A. 14-13, Request for Reasonable Accommodation
- B. 14-13A, Reasonable Accommodation Information Reporting

## **XI. Attachments**

None.

## **XII. Questions**

Questions pertaining to this Directive should be addressed to the FEMA Office of Equal Rights (OER) at (202) 646-3535.

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Pauline Campbell  
Director  
Office of Equal Rights

Date: \_\_\_\_\_

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W. Craig Fugate  
Administrator  
FEMA

Date: \_\_\_\_\_